

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13189 of 2005

Between:

- 1 M. Umamaheswar Rao, S/o. M. Subaiah, R/o. Manchiryala,
Adilabad dist.
- 2 M. Ramesh Babu S/o. Subbaiah, R/o. Manchiryala,
Adilabad dist.
- 3 P. Venkateswarlu S/o. Durgaiah, R/o. Manchiryala,
Adilabad dist.
- 4 M. Raghuramaiah, S/o. Chenchiah, R/O. Manchiryala,
Adilabad dist.
- 5 V. Venkata Ramana S/o. Venkata Subbanna, R/o. Bellampally, R/o.
Bellampally, Adilabad dist.

(Petitioner No.5 name amended as per Court Order
dated 24/06/2005 in WPMP No.17266/2005)

..... PETITIONERS

AND

- 1 General Maanager, Telecom Dept, Adilabad Dist.
- 2 Divisional Engineer (Admin), Office Of General Manager Telecom Department,
Adilabad Dist.
- 3 Divisional Engineer (Maintance), Manchiryala, Adilabad Dist.
- 4 Divisional Engineer (Maintance), Bellampally , Adilabad Dist.
- 5 Sub Divisional Engineer (Phones), Manchiryala, Adilabad Dist.
- 6 Bharat Sanchar Nigam Limited (A Government of India Enterprises) O/o. C.G.M.
Telecom, BSNL, A.P. Circle, Nampally Station Road, Hyderabad
(R6 is implead as per Court Order dated 24/06/2005 in WPMP No. 17106/2005)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, by declaring the impugned action of the respondents to transfer the

petitioner without following the guidelines and procedure as illegal, arbitrary void, abinitio and violation of Articles 14 and 21 of Constitution of India besides violating the due process of law and principles of natural justice. And consequently direct the respondents not to transfer the petitioners without following the guidelines or procedures.

Counsel for the Petitioner: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondents No. 1 to 6.: MR.B.NARASIMHA SARMA

The Court made the following:

ORDER:

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This Writ Petition is filed by the petitioners, who are stated to be working as Telecom Mechanics at Manchiryala and Bellampaly of Adilabad district seeking writ of mandamus declaring the action of the respondents in transferring the petitioners without following the guidelines and procedure as illegal, arbitrary and in violation of Articles 14 and 21 of the Constitution of India.

2. The grievance of the petitioners is against the order of transfer dated 04.06.2005 made by the 2nd respondent. According to the petitioners, the transfers that are affected are not in accordance with the guidelines issued by the Corporation, dated 26.05.2005, and therefore, sought to set aside the impugned order.

3. The learned counsel for the petitioners referred to the specific guidelines, according to which, it is stated that the persons, who have been promoted as Telecom Mechanics from SI, LI, SI(O), LI(O), State Government Wireman and cable splicer are exempted from deployment and they may be kept at the head-quarters. Similarly, there are also other guidelines, which were not followed while affecting the transfers. Therefore, the learned counsel sought for setting aside the impugned order.

4. The learned Standing Counsel appearing for the Corporation, however, stated that the transfers are in conformity with the guidelines issued from time to time, and in fact, the petitioners were already relieved from the posts from their work place as per the transfer order. Hence, the learned Standing Counsel sought to dismiss the Writ Petition.

5. Heard both sides and considered the material on record.

6. The fact of relieving of the petitioners from the work place is disputed by the learned counsel for the petitioners, and stated that the petitioners are on leave. In fact, the counsel for the Corporation filed proceedings dated 7.6.2005 stating that the persons, who are transferred under the impugned order dated 4.6.2005 are relieved under the said proceedings. In any case, as there are detail factual aspects to be considered, the petitioners are directed to make their representations to the 2nd respondent, ventilating their grievances, within a week; and, on such representation, the 2nd respondent is directed to consider the same in the light of the guidelines issued by the Corporation, referred to earlier, and if there are any violations of the guidelines, the 2nd respondent is directed to reconsider their cases for retention at the place where they are working, before the transfer. The 2nd respondent is also directed to dispose of the representations of the petitioners expeditiously, preferably within a period of two weeks from the date of presentation of the same. Pending disposal of the representations by the 2nd respondent, the parties are directed to maintain status-quo as on date.

7. The Writ Petition is accordingly disposed of with the above directions. No costs.

S. Ananda Reddy, J.

Dt. 24..06..2005

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To

- 1 General Manager, Telecom Dept, Adilabad Dist.
- 2 Divisional Engineer (Admin), Office Of General Manager Telecom Department, Adilabad Dist.
- 3 Divisional Engineer (Maintenance), Manchiryal, Adilabad Dist.
- 4 Divisional Engineer (Maintenance), Bellampally , Adilabad Dist.
- 5 Sub Divisional Engineer (Phones), Manchiryal, Adilabad Dist.
- 6 Bharat Sanchar Nigam Limited (A Government of India Enterprises) O/o. C.G.M. Telecom, BSNL, A.P. Circle, Nampally Station Road, Hyderabad

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